



General Assembly

February Session, 2008

Amendment

LCO No. 6225

SB0065706225SD0

Offered by:

SEN. DAILY, 33rd Dist.

SEN. HARP, 10th Dist.

To: Subst. Senate Bill No. 657

File No. 655

Cal. No. 429

"AN ACT CONCERNING A TAXPAYER RELIEF PLAN."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

4 (1) "Person" means a person, as defined in section 12-1 of the general
5 statutes;

6 (2) "Affected taxable period" means any taxable period ending on or
7 before March 31, 2008, for which (A) a tax return was required by law
8 to be filed with the Commissioner of Revenue Services and for which
9 no return has been previously filed or made by the commissioner on
10 behalf of such person, (B) a tax return was previously filed but not
11 examined by the Department of Revenue Services and on which return
12 the tax was underreported, (C) interest or a penalty was imposed for
13 the late payment of tax, (D) interest or a penalty was imposed, upon
14 examination of a tax return by the department, for underreporting of

15 the tax, or (E) interest or an addition to tax was made where a person
16 failed to file a tax return and the commissioner made a return on
17 behalf of such person;

18 (3) "Affected person" means a person owing any tax for an affected
19 taxable period;

20 (4) "Tax" means any tax imposed by any law of this state and
21 required to be collected by the department, other than the tax imposed
22 under chapter 222 of the general statutes on any licensee, as defined in
23 subdivision (1) of subsection (c) of section 12-486 of the general
24 statutes;

25 (5) "Commissioner" means the Commissioner of Revenue Services;
26 and

27 (6) "Department" means the Department of Revenue Services.

28 (b) (1) The commissioner shall establish a tax amnesty program for
29 persons owing any tax for any affected taxable period. The tax
30 amnesty program shall be conducted during the period of August 1,
31 2008, to October 31, 2008, inclusive.

32 (2) An amnesty application shall be prepared by the commissioner
33 and shall provide for specification by the affected person of the tax and
34 the affected taxable period for which amnesty is being sought under
35 the tax amnesty program.

36 (3) The tax amnesty program shall provide that, upon the filing of
37 an amnesty application by the affected person during the tax amnesty
38 period, and payment by such person of all taxes and interest due from
39 such person to this state for affected tax periods, amnesty shall be
40 granted to the applicant by the commissioner, and the commissioner
41 shall waive any civil penalties that may be applicable and shall not
42 seek criminal prosecution for any affected person for an affected
43 taxable period for which amnesty has been granted.

44 (4) An amnesty application, if filed by an affected person and if

45 granted by the commissioner, shall constitute an express and absolute
46 relinquishment by the affected person of all of the affected person's
47 administrative and judicial rights of appeal that have not run or
48 otherwise expired as of the date payment is made for affected taxable
49 periods, and no payment made by an affected person pursuant to this
50 section for affected taxable periods shall be refunded or credited to
51 such person.

52 (5) If an affected person who has filed an amnesty application
53 during the tax amnesty period fails to pay all amounts due to this state
54 for affected taxable periods, any amnesty granted pursuant to this
55 section shall be invalid.

56 (6) No waiver of penalty or reduction of interest pursuant to this
57 section shall entitle any affected person to a refund or credit of any
58 amount previously paid.

59 (7) (A) In the case of taxes due for an affected taxable period
60 described in subparagraph (A) or (B) of subdivision (2) of subsection
61 (a) of this section, interest shall be computed at the rate of three-
62 fourths of one per cent per month or fraction thereof from the date
63 such taxes were originally due to October 31, 2008, and at the rate of
64 one per cent per month or fraction thereof thereafter.

65 (B) In the case of taxes due for an affected taxable period described
66 in subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) of
67 this section, interest shall be computed at the rate of one per cent per
68 month or fraction thereof from the date such taxes were originally due
69 to the date of payment, except as provided in this subparagraph. If the
70 taxes and the interest, as computed under this subparagraph, are paid
71 in full on or before October 31, 2008, interest shall be equal to three-
72 fourths of the interest that the department's records show to be due
73 and payable, as of the date of filing of the amnesty application, for
74 affected taxable periods for which amnesty has been sought by an
75 affected person.

76 (c) Amnesty shall not be granted pursuant to subsection (b) of this

77 section to any affected person who (1) has received notice from the
78 department that an audit examination is being conducted in relation to
79 the affected taxable period for which amnesty is being sought, (2) is a
80 party to any criminal investigation or to any civil or criminal litigation
81 that is pending on June 1, 2008, in any court of the United States or this
82 state for failure to file or failure to pay, or for fraud in relation to any
83 tax imposed by any law of this state and required to be collected by the
84 department, (3) is a party to a closing agreement with the
85 Commissioner of Revenue Services, (4) has made an offer of
86 compromise that has been accepted by the Commissioner of Revenue
87 Services, or (5) is a party to a managed audit agreement.

88 (d) Notwithstanding the provisions of section 4-30a of the general
89 statutes, the State Treasurer shall transfer all amounts received
90 pursuant to the amnesty program as provided in this section, to the
91 Budget Reserve Fund established pursuant to said section 4-30a, except
92 for such funds as are required by the commissioner to administer the
93 provisions of this section.

94 (e) The commissioner may do all things necessary in order to
95 provide for the timely implementation of this section.

96 Sec. 2. (*Effective from passage*) The Commissioner of Revenue Services
97 may use up to two million dollars of the revenue received by the state
98 from the tax amnesty program established under the provisions of
99 section 1 of this act for the purpose of administering the provisions of
100 this act.

101 Sec. 3. Subdivision (1) of subsection (c) of section 12-587 of the 2008
102 supplement to the general statutes is repealed and the following is
103 substituted in lieu thereof (*Effective from passage*):

104 (c) (1) Any company which imports or causes to be imported into
105 this state petroleum products for sale, use or consumption in this state,
106 other than a company subject to and having paid the tax on such
107 company's gross earnings from first sales of petroleum products
108 within this state, which earnings include gross earnings attributable to

109 such imported or caused to be imported petroleum products, in
 110 accordance with subsection (b) of this section, shall pay a quarterly tax
 111 on the consideration given or contracted to be given for such
 112 petroleum product if the consideration given or contracted to be given
 113 for all such deliveries during the quarterly period for which such tax is
 114 to be paid exceeds three thousand dollars. Except as otherwise
 115 provided in subdivision (3) of this subsection, the rate of tax shall be
 116 (A) five per cent with respect to calendar quarters commencing prior to
 117 July 1, 2005; (B) five and eight-tenths per cent with respect to calendar
 118 quarters commencing on or after July 1, 2005, and prior to July 1, 2006;
 119 (C) six and three-tenths per cent with respect to calendar quarters
 120 commencing on or after July 1, 2006, and prior to July 1, 2007; (D)
 121 seven per cent with respect to calendar quarters commencing on or
 122 after July 1, 2007, and prior to [July 1, 2008] January 1, 2009; (E) seven
 123 and one-half per cent with respect to calendar quarters commencing on
 124 or after [July 1, 2008] January 1, 2009, and prior to July 1, 2013; and (F)
 125 eight and one-tenth per cent with respect to calendar quarters
 126 commencing on or after July 1, 2013. Fuel in the fuel supply tanks of a
 127 motor vehicle, which fuel tanks are directly connected to the engine,
 128 shall not be considered a delivery for the purposes of this subsection.

129 Sec. 4. (*Effective from passage*) Notwithstanding the provisions of
 130 section 13b-69 of the general statutes, up to twelve million five
 131 hundred thousand dollars of the cumulative surplus in the Special
 132 Transportation Fund shall be transferred to the General Fund to be
 133 made available for expenditure during the fiscal year ending June 30,
 134 2009."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	12-587(c)(1)
Sec. 4	<i>from passage</i>	New section